

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON ETHICS

Call to Order: By **CHAIRMAN AL BISHOP**, on February 16, 1999 at 8:50 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Mike Halligan (D)
Sen. Linda Nelson (D)

Members Excused: Sen. John C. Bohlinger, Vice Chairman (R)

Members Absent: None.

Staff Present: Martha McGee, Committee Secretary
Greg Petesch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 395, 2/11/1999
Executive Action: SB 395

HEARING ON SB 395

Sponsor: SEN. MIKE HALLIGAN, SD 34, Missoula

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SEN. MIKE HALLIGAN, SD 34, Missoula, said **SB 395** is the committee bill that the committee requested after the hearing on his initial bill. They agreed after Common Cause testimony it would be better if they tightened the language. They would allow a legislator to abstain from voting where there would be a direct

pecuniary benefit attributable to the legislator as a result of bills passing through the legislature. To maintain the integrity of the original bill which was to allow and make sure legislators are accountable by voting on all issues except in certain cases, clarifying alternative language is on page 2, subparagraph(5). At the bottom of the section it still would have the disclosure requirement for any conflicts that may appear. "A legislator may only abstain from voting only when a conflict of interest creates the potential for a direct, significant pecuniary benefit to the legislator." **SEN. HALLIGAN** closed.

Informational Testimony:

Since she was unable to be present at the hearing of **SB 395**, **Deborah S. Smith, Attorney, Montana Common Cause**, submitted a letter in person prior to the start of the hearing. Members of the **Ethics Committee** acknowledged the written testimony for the record. **EXHIBIT(ets38a01)**

Proponents: None

Opponents: None

Questions from Committee Members and Responses:

CHAIRMAN BISHOP asked if the committee shall advise the legislator as to what the legislator should do. Also asked for clarification if this committee could meet of it's own accord.

SEN: HALLIGAN stated no it could not.

SEN. BISHOP asked if they would have to go through the **Rules Committee**, specifically if they could get together on this particular situation without going through the **Rules Committee**.

SEN. HALLIGAN answered no. He thought it would be the **Rules Committee** every time.

SEN. BISHOP said okay, so this committee can't do a thing. He acknowledged he understood it and that is what he wanted to know.

Greg Petesch, Legal Services, Legislative Council clarified that is how the **Senate** operates. The **House Ethics Committee** has been meeting periodically and once did provide advice to a legislator pursuant to this. If it is a matter for investigation in the **House of Representatives** it has to go through the **Rules Committee** like it does in the **Senate**, but the **Rules Committee** meets and

adopts procedures for future actions and things like that. It is slightly different in the two houses.

Closing by Sponsor:

SEN. HALLIGAN said he closed.

EXECUTIVE ACTION ON SB 395

Motion: **SEN. LINDA NELSON** moved that **SB 395 DO PASS.**

Discussion: **None**

Vote: Motion **carried unanimously - 3 - 0.**

SEN. HALLIGAN made a statement for the record. There was a story in the paper today about where we rank in perspective about our disclosure requirements to the national group. We probably should at least look at some of the issues at some point in the future.

Greg Petesch mentioned they should look at our privacy issue.

SEN. BISHOP discussed that the **Hearing** was closed, but asked about **SEN JOHN BOHLINGER** and if his vote could be recorded.

SEN. HALLIGAN agreed that if **SEN. BOHLINGER** wanted to vote there's no reason not to hold the vote open.

SEN. BISHOP indicated that he would hold the vote open for **SEN. BOHLINGER** to cast his vote on **SEN. NELSON'S** motion that **SB 395 DO PASS.** **SEN. NELSON** agreed.

SEN. BOHLINGER arrived and indicated that he cast his **Vote** as a "Yes" **Vote** on **SB 395.** **Motion carried - 4 - 0.**

{Tape : 1; Side : A; Approx. Time Counter : 1 - 7}

ADJOURNMENT

Adjournment: 9:10 A.M.

SEN. AL BISHOP, Chairman

MARTHA MCGEE, Secretary

AB/MM

EXHIBIT (ets38aad)